
A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to part X to be appropriately designated
3 and to read as follows:

4 "§11- Mandatory recount of votes. (a) The chief
5 election officer, or the clerk in the case of county elections,
6 shall conduct a recount of all votes cast for any office or
7 ballot question in any election if the official tabulation of
8 all of the returns for that office or question reveals that the
9 difference in:

10 (1) The number of votes cast for a candidate apparently
11 qualified for the general election ballot or elected
12 to office and the number of votes cast for the closest
13 apparently defeated opponent; or

14 (2) The number of votes cast in the affirmative for the
15 ballot question and the number of votes cast in the
16 negative for the ballot question, including when
17 applicable, the tabulation of blank votes,



1 is equal to or less than one hundred votes or one-half of one
2 per cent of the total number of votes cast for the contest,
3 whichever is greater.

4 (b) No cost of a mandatory recount under this section may
5 be charged to any candidate.

6 (c) All mandatory recounts of votes under this section
7 shall be completed and the results publicly announced no later
8 than forty-eight hours after the closing of polls on election
9 day.

10 (d) The chief election officer shall adopt rules pursuant
11 to chapter 91 for the mandatory recount of votes under this
12 section; provided that the rules shall:

13 (1) Authorize candidates affected by the recount, or their
14 designated representatives, to attend and witness the
15 recount; and

16 (2) Require the notification of the parties described in
17 paragraph (1) of the time and place of the recount no
18 later than one day prior to the date of the recount.

19 (e) This section shall apply to votes counted pursuant to
20 section 11-151."



SECTION 2. Section 11-155, Hawaii Revised Statutes, is amended to read as follows:

"§11-155 Certification of results of election. On receipt of certified tabulations from the election officials concerned, the chief election officer or county clerk in county elections shall compile, certify, and release the election results after the expiration of the time for bringing an election contest. The certification shall be based on a comparison and reconciliation of the following:

- (1) The results of the canvass of ballots conducted pursuant to chapter 16;
- (2) The audit of pollbooks (and related record books) and resultant overage and underage report;
- (3) The audit results of the manual audit team;
- (4) The results of the absentee ballot reconciliation report compiled by the clerks; [and]
- (5) The results of any mandatory recount of votes conducted pursuant to section 11- ; and
- ~~[(5)]~~ (6) All logs, tally sheets, and other documents generated during the election and in the canvass of the election results.



1 A certificate of election or a certificate of results declaring
2 the results of the election as of election day shall be issued
3 pursuant to section 11-156; provided that in the event of an
4 overage or underage, a list of all precincts in which an overage
5 or underage occurred shall be attached to the certificate. The
6 number of candidates to be elected receiving the highest number
7 of votes in any election district shall be declared to be
8 elected. Unless otherwise provided, the term of office shall
9 begin or end as of the close of polls on election day. The
10 position on the question receiving the appropriate majority of
11 the votes cast shall be reflected in a certificate of results
12 issued pursuant to section 11-156."

13 SECTION 3. Section 11-173.5, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) In primary and special primary election contests, and
16 county election contests held concurrently with a regularly
17 scheduled primary or special primary election, the complaint
18 shall be filed in the office of the clerk of the supreme court
19 not later than 4:30 p.m. on the sixth day after a primary or
20 special primary election, or county election contests held
21 concurrently with a regularly scheduled primary or special



1 primary election, and shall be accompanied by a deposit for
2 costs of court as established by rules of the supreme court~~[-]~~;
3 provided that a complaint pertaining to votes subject to a
4 mandatory recount pursuant to section 11- shall be filed no
5 later than 4:30 p.m. on the thirteenth calendar day following
6 the election or the third calendar day following a recount,
7 whichever occurs first. The clerk shall issue to the defendants
8 named in the complaint a summons to appear before the supreme
9 court not later than 4:30 p.m. on the fifth day after service
10 ~~[thereof.]~~ of summons."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2019.
14



Report Title:

Elections; Ballot Questions; Mandatory Recount of Votes; Margin of Victory

Description:

Requires a mandatory recount of election votes and ballot measures when the margin of victory for election contests or tabulation for ballot measures is equal to or less than one hundred or one-half of one per cent of the votes cast, whichever is greater. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

